

REMARKS

Claims 1-20 remain pending in the above-identified application and stand ready for further action on the merits.

Approval of Drawings

Applicants thank the Examiner for the approval of the drawings.

Rejection under 35 USC 112 (paragraph two)

Claims 2-3, 8 and 17 stand rejected under 35 USC 112 (paragraph two) as not distinctly claiming the invention. This rejection is respectfully traversed.

In response, applicants direct the Examiner's attention to the discussion at page 8, lines 10-14 of the specification where the alleged objectionable limitation resides. Given that discussion, it is believed that the rejection is without basis and should be withdrawn.

Rejection under 35 USC 103(a)

Claims 1-20 stand rejected under 35 USC 103(a) as being unpatentable over Kizu et al in view of Takami et al. This rejection is respectfully traversed.

The Examiner alleges at page 3 that "Kizu et al teaches a negative electrode for a non-aqueous secondary cell comprising graphite, carbon black and a binder (p. 128-141). Carbon black is used as a conductive material. The conductive material is preferably less than 1 μm (p. 60-71). The amount of conductive material is preferably 22-8%."

However, paragraphs 60-71 (or paragraphs 58-74) of Kizu et al relate to a positive electrode (see paragraphs 0035 and 0058), and the "granular conductive material" (conductive aid) discussed therein is for the positive electrode. The negative electrode is instead discussed at paragraph 0127.

Furthermore, the conductive aids are studied only in connection with the positive electrodes at Examples 9 to 12 and Comparative Examples 12 to 16 -- the negative electrodes used in the Examples contain no conductive aid.

Paragraph 0132 describes the surface area, the spacing of lattice planes (d002) and the crystallite size in the c-axis direction of a carbon material preferably used in the negative electrode, and paragraphs 0136-0137 describe carbon fibers having an average fiber length of 1 to 100 μm , particularly 2 to 50 μm , and more particularly, 3 to 25 μm . However, Kizu et al fails to teach or suggest a particulate carbon black having a largest particle side of 10 μm or less, which is used in a negative electrode.

Takami et al does not cure the deficiencies of Kizu et al. Takami et al describes CMG and SBR as binders. However, the combination of Kizu et al. and Takami et al does not result in the present invention since Kizu et al does not disclose or suggest the use of carbon black having a largest particle size of 10 μm or less in the negative electrode as discussed above.

The rejection is thus without basis and should be withdrawn.

Based upon the remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of pending claims 1-20 are allowed and patentable under Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 17, 2007

Respectfully submitted,

By 

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